

## Section 6

### ZONING DISTRICTS AND ZONING MAP

#### Sections:

- 6.010** Use districts designated Zoning map adopted.
- 6.020** Official map-Availability, certification and authority - Changes.
- 6.030** Official map-Replacement conditions.
- 6.040** Boundary interpretation guidelines.
- 6.060** Classification of particular uses - Planning director and commission authority.

#### **6.010 Use districts designated-Zoning map adopted.**

**A.** The Gallatin County / Bozeman Area Zoning District is divided into zones, or districts, as shown on the official zoning maps which, together with all explanatory matter thereon, are adopted by references and declared to be a part of this title.

**B.** For the purpose of this title, the Gallatin County / Bozeman Area Zoning District is divided and classified into the following use districts:

- A-S Agricultural Suburban District
- R-S Residential Suburban District
- R-1 Residential Single-Family, Low Density District
- R-2 Residential Single-Family, Medium Density District
- R-2a Residential Single-Family, Medium Density District
- R-3a Residential Two-Family, Medium Density District
- R-3 Residential Medium Density District
- R-4 Residential High Density District
- R-O Residential Office District
- B-1 Neighborhood Business District
- B-2 Community Highway Business District
- M-1 Light Manufacturing District
- M-2 Manufacturing and Industrial District
- BP Business Park District
- PLI Public Lands and Institutions District
- EO Entryway Overlay District
- FH Flood Hazard Overlay District (refer to Federal Insurance Rate Maps)
- R-MH Residential-Mobile Home District.

#### **6.020 Official map-Availability, certification and authority - Changes.**

**A.** The official maps shall be available in the office of the Gallatin County Clerk and Recorder and shall bear certificate with the signature of the Chairman of the Gallatin County Commission attested by the clerk and recorder the date of adoption of the regulation codified in this title.

**B.** If any changes to the map are made by amendment of this title in accordance with Section 55 hereof, such changes shall be made to the official zoning maps and signed, dated and certified upon the map or upon the material attached thereto.

**C.** Regardless of the existence of purported copies of the official zoning maps, which may from time to time be made or published, the official zoning maps kept in the Gallatin County Clerk and Recorder's offices shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the zoning jurisdiction.

**6.030 Official map-Replacement conditions.**

**A.** In the event that the official zoning maps become damaged, destroyed, lost or difficult to interpret because of the nature or number of changes or additions thereto, the commission may adopt and certify new official zoning maps which shall supersede the prior official zoning maps. The new official zoning maps may correct drafting or other errors or omissions in the prior map, but no such corrections shall have the effect of amending the original official zoning maps or any subsequent amendment thereof.

**B.** The new official zoning maps shall be identified by signature of the Chairman of the Gallatin County Commission attested by the clerk and recorder.

**6.040 Boundary interpretation guidelines.**

**A.** Where uncertainly exists as to the boundaries of districts as shown on the official zoning map, the boundaries shall be interpreted as following the nearest logical line to that shown:

1. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerlines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main track(s);
5. Boundaries indicated as following the centerline of streams, rivers, canals, or ditches shall be construed to follow such centerlines;
6. Boundaries indicated as parallel to or extensions of features indicated on the official zoning map shall be determined by the scale of the map.

**B.** Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or where other circumstances or controversy arise over district boundaries; the planning director shall interpret the district boundary, such interpretation may be subject to appeal to the board of adjustment.

**C.** Where district boundaries divide a lot or parcel into two or more districts, the entire lot or parcel shall be deemed to have only the characteristics and uses of the most

restrictive district that any part of the lot or parcel rests within. However, for properties which lie partially within a specified overlay district, the planning director, may determine that overlay district regulations shall apply only to that portion of the property lying within the specified overlay district. The criteria for making such a determination shall include an evaluation of site topography and the degree to which the development portion of the property lying outside of the overlay district is integrated with the development lying within the district.

**6.060 Classification of particular uses-Planning director and commission authority.**

**A.** The planning director shall determine the appropriate classification of a particular use. In making this determination, the planning director shall find:

1. That the use is the same as one or more uses permitted in the district wherein it is proposed to be located or,
2. That the use is so similar to one or more uses permitted in the district wherein it is proposed to be located as to be interpreted as the same, so long as:
  - a. The use and its operation are compatible with the uses permitted in the district wherein the use is proposed to be located,
  - b. The use will not cause substantial injury to values of property in the neighborhood or district wherein it is proposed to be located, and
  - c. Neither the intent of this title nor the intent of the district will be abrogated by such classification.

**B.** If a question arises concerning the appropriate classification of a particular use, the planning director may submit the question to the commission to determine whether the particular use is the same, or so similar as to be interpreted the same as a listed permitted or conditional use. In making such a determination, the commission shall find that the criteria set forth in either subsection A.1 or A.2 of this section are met.

**C.** If a specific use is not listed and cannot be interpreted to be the same, or so similar so as to be interpreted the same, as a listed permitted or conditional use, the use shall not be allowed. However, a zoning code amendment may be submitted for review and approval pursuant to the requirements of this title to allow such use as a listed permitted or conditional use.